

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10CV515**

DANIEL J. ADLER)
 Plaintiff,)
))
 v.)
))
))
ANCHOR FUNDING SERVICES,)
LLC)
 Defendant.)
_____)

AMENDED
ORDER

THIS MATTER is before the Court upon the Plaintiff's Application To Proceed In District Court Without Prepaying Fees Or Costs, filed October 18, 2010.

By the instant Motion, the Plaintiff seeks to proceed on his Complaint against the Defendant pursuant to 42 U. S. C. § 12101, Americans With Disability Act, without having to prepay the costs associated with bringing this action.

In support of this Motion, the Plaintiff has submitted an Application which reflects that he is currently not employed. Further, the Application list two past employers, Wells Fargo which shows he worked from June 2009 to March 2010, grossing \$5,833.33 per month, and Anchor Funding Services which shows he worked in September 2010, making \$5,416.67 per month. Further, such Application reflects that the Plaintiff in the past twelve months received \$35,250 from his employment, and \$12,000 from unemployment benefits. Moreover, the Application states that Plaintiff has \$5,381.66 in a checking account. In addition, the Plaintiff reports he owns a 2010 Honda Civic valued at \$10,000 and a 1997 Nissan Path Finder valued at \$5,000. Concerning

his obligations, Plaintiff's Application further reports that his monthly expenses total approximately \$2,675, which sum includes; \$990.00 rent, utilities \$150.00, home maintenance \$110, food \$200, transportation \$100, recreation \$50, insurance \$75, automotive payments \$400, credit card \$200, and \$400 miscellaneous. The Application also reports that a sum of \$7,000 was given to the Plaintiff by his parents for case financing.

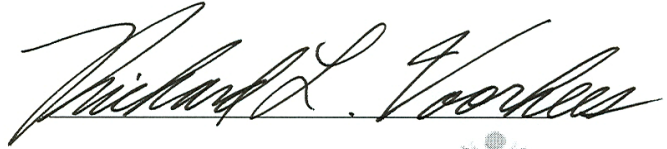
Accordingly, based upon the foregoing representations, the Court finds that the Plaintiff does not have sufficient resources from which to pay the entire \$350.00 filing fee associated with bringing this action. However, it appears that the Plaintiff does have sufficient resources from which to pay a partial filing fee of \$100.00. Accordingly, the Plaintiff will be directed to make such partial payment as below set forth.

NOW, THEREFORE, IT IS ORDERED:

1. That the Plaintiff's Application to Proceed Without Prepayment Of Fees And Affidavit is **GRANTED in part and DENIED in part.**
2. That within thirty (30) days of the date of this Order, the Plaintiff shall remit a partial filing fee in the amount of \$100.00. **Failure to comply with the instant directive could result in the summary dismissal of the Plaintiff's case.**
3. That the Clerk of Court is instructed to prepare process and deliver the same to the U.S. Marshal for service;
4. The U.S. Marshal shall serve process upon the Defendant at the expense of the United States Government; and
5. Although the Plaintiff has paid the partial filing fee of \$100, the Clerk of

Court is instructed to serve this Amended Order on Plaintiff for the sole purpose of notifying the Plaintiff who has the responsibility to serve process.

Signed: November 2, 2010

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

